

REMARKS

In response to the Official Office Action dated February 27, 2003, Applicant has amended claims 1, 5, 9, 10, and 31-32. Applicant believes that the claims presented by this amendment are in condition for allowance and therefore respectfully requests re-examination of this application.

Applicant's invention relates to a mobile terminal including a position location device, such as a GPS receiver, for determining its current location. The mobile terminal updates its position on a periodic basis. After updating its position, the mobile terminal determines its current distance from a reference position indicative of a remote location of interest. The remote location of interest, for example, may comprise a location associated with a network with which the mobile terminal would like to acquire service if possible. In one embodiment of the invention, the mobile terminal initiates a search for a control channel when the calculated distance is within a predetermined threshold distance of the reference position. In another embodiment of the invention, the mobile terminal changes the frequency at which it determines its current position based on the distance from the reference position. Thus, the position updates become more frequent as the mobile terminal approaches the remote location of interest, and become less frequent as the mobile terminal moves away from the remote location of interest.

The Examiner initially rejected claims 1 and 10 under 35 U.S.C. § 102 (a) as being anticipated by Yee et al., U.S. Patent No. 6,085,090. The Yee patent discloses a mobile terminal having a position location device for determining and reporting its current position. The Yee patent recognizes that the position location device inherently consumes power and proposes a power management algorithm to change how frequently the terminal updates its position based on the distance that that device has traveled since its last position update. As described in the Yee patent, the mobile terminal compares the distance traveled between the

last two position updates and adjusts the position update frequency accordingly. If the distance traveled is less than a predetermined amount, the update frequency is increased. If the distance traveled is more than a predetermined amount, the update frequency is decreased. The adjustment continues until a predetermined maximum or minimum limit is reached.

Though described in terms of distance traveled, the net effect of the power management algorithm in Yee is to vary the update frequency depending on the velocity of the mobile terminal. The faster the mobile terminal travels, the more distance will be covered between position updates. If that distance exceeds the threshold, the update frequency is increased. If that distance is less than the threshold, the distance will be decreased. Thus, the mobile terminal will update its position more frequently as its speed or velocity increases and less frequently as its speed or velocity decreases. This is different from the mobile terminal of Applicant's invention, which changes its update frequency depending on distance from a remote location of interest.

Claims 1 and 10 have been amended to better distinguish the claimed invention from the Yee patent. In particular, claims 1 and 10 have been amended to make clear that the reference position is associated with a "remote location of interest." The phrase "remote location of interest" has been added to claim 1 to make clear that the reference position used for determining distance is not a current or past position of the mobile terminal itself, but is the position of something remote from, or external to, the mobile terminal. The "remote location of interest" may, for example, comprise a communication network with which the mobile terminal would like to register and acquire service. The idea underlying Applicant's invention is to update the position of the mobile terminal as it moves closer to the remote location of interest and less frequently as it moves away from the remote location of interest.

The Yee patent does not teach or suggest changing the update frequency of a position location device in a mobile terminal responsive to distance from a remote location of interest. As discussed above, the Yee patent teaches changing the update frequency responsive to the

distance traveled by the mobile terminal between the last two position updates. The distance used in the Yee patent for determining whether to change the update frequency is not related to a "remote location of interest" as set forth in amended claim 1. Because the Yee patent does not disclose changing the update frequency of a position location device in a mobile terminal based on distance from a remote location of interest, claims 1 and 10 are neither anticipated nor rendered obvious by the Yee patent. Accordingly, the Examiner is respectfully requested to allow amended claims 1 and 10.

Dependent claims 2-9, 11 and 12 are also allowable since they depend either directly or indirectly from an allowable independent claim.

Claims 13, 14, 18, 23, 24, and 34 have been rejected under 35 U.S.C. § 102 (e) as being anticipated by Yen. Claims 15-17, 28-31, and 33 have been rejected under § 103 as being unpatentable over Yen. Claims 19-21 and 25-26 have been rejected under 35 U.S.C. § 103 as being unpatentable over Yen and Yee. Applicant believes that the Yen publication is not properly considered as prior art and that the rejection of claims 13-21, 23-26, 28-31, and 33-34 is therefore improper.

Section 706.02 (a) of the Manual of Patent Examining Procedure discusses the availability of printed publications as prior art under § 102 (e) of the Patent Act. As noted in the MPEP, published patent applications do not qualify as prior art under § 102 (e) with respect to any application having an effective filing date prior to November 29, 2000. The filing date of the current application is September 7, 2000. Therefore, the Yen publication is not available as prior art. Accordingly, Applicant respectfully requests the Examiner to withdraw the rejections of claims 13-21, 23-26, 28-31, 33, and 34 under §§ 102 and 103 of the Patent Act.

Finally, the Examiner will note that Applicant has made minor amendments to claims 5, 9, and 30-32 to correct typographical errors in the original application, some of which have been noted by the Examiner in paragraphs 2 and 3 of the Office Action. These amendments do not narrow the scope of the claims but simply cure the informalities in the claims noted by the

Examiner in the Office Action. Accordingly, the Examiner is specifically requested to withdraw the § 112 rejection of claim 31, as well as the objections to claims 1, 30 and 32.

For the foregoing reasons, it is believed that the present application is in condition for allowance and notice to such effect is respectfully requested.

Based on the foregoing, Applicant believes that the application is in condition for allowance. If, for some reason, the Examiner believes that the application is not in condition for allowance, the Examiner is respectfully requested to contact the undersigned to discuss any outstanding issues that remain to be resolved.

Respectfully submitted,

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